

**REGULAR MEETING OF THE
BRIGHAM CITY COUNCIL
OCTOBER 16, 2008**

PRESENT:	Bruce Christensen	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Bruce Leonard	City Administrator
	Robert Neville	Streets Supervisor
	Dennis Sheffield	Finance Director/Deputy City Recorder
	Paul Tittensor	Chief of Police
EXCUSED:	Lou Ann Christensen	Mayor
	Scott Ericson	Councilmember
	Mary Kate Christensen	City Recorder

Mayor Pro Tem Reese Jensen called the meeting to order. The Reverence Period was given by Dennis Sheffield. The Pledge of Allegiance was recited. Mayor Pro Tem Reese Jensen excused Mayor Christensen and Councilmember Ericson and presented the agenda as follows:

**PUBLIC COMMENT
CONSENT**

Amendment to Consulting Engineers Contract

PUBLIC HEARINGS

1st Public Hearing for the 2008 CDBG to Gain Citizen Input as to Their Needs and Potential 2009 CDBG Projects

NEW BUSINESS

Approval of the Sale of the Bond Anticipation Notes to Provide Interim Financing for the Wakegan Utility Project

Report by the City Alternative Fuels Task Force on the Possible Conversion of Some City Vehicles to Alternative Fuels

Approval of a Letter Opposing the Proposed Ruby River Pipeline Route

Adoption of Resolution Opposing Proposed Ruby River Pipeline Route

PLANNING COMMISSION BUSINESS

1200 South Street Road Dedication Between 450 West and Commerce Way

Request of a Deferring Public Improvement Agreement for Sidewalk, Curb/Gutter, and Asphalt Tie at 75 North 900 West

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

Cancellation of November 6, 2008 Council Meeting (*added*)

CLAIMS

Payment Register

MOTION: A motion to approve the agenda as amended was made by Councilmember Christensen. The motion was seconded by Councilmember Marabella and carried unanimously.

PUBLIC COMMENT

There was no public comment.

CONSENT

Amendment to Consulting Engineers Contract

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella. The motion was seconded by Councilmember Christensen and carried unanimously.

PUBLIC HEARINGS

1st Public Hearing for the 2008 CDBG to Gain Citizen Input as to Their Needs and Potential 2009 CDBG Projects

Rick Bosworth, Human Resource Coordinator, came forward and explained that the purpose of this public hearing is to receive public input for potential CDBG projects for 2009 which is required to apply for the funds. This year approximately \$690,000 will be available to the Bear River Region, of which \$412,000 will be available for infrastructure projects and can include water, sewer, fire, and emergency medical services. Requirements will need to be met as well as individuals meeting the national objective of very low to moderate income. Mr. Bosworth said to keep in mind that projects that displace low to moderate income individuals will most likely not receive funding. Projects that have been done in the past include the elevator at the Senior Center, upgrades to the Bear River Mental Health Center offices, refrigeration for the food pantry, and neighborhood improvement projects.

MOTION: A motion to open the public hearing was made by Councilmember Marabella. The motion was seconded by Councilmember Christensen and carried unanimously.

There was no public comment.

MOTION: A motion to close the public hearing was made by Councilmember Marabella. The motion was seconded by Councilmember Ruth Jensen and carried unanimously.

NEW BUSINESS

Approval of the Sale of the Bond Anticipation Notes to Provide Interim Financing for the Wakegan Utility Project

Dennis Sheffield, Finance Director, came forward and stated that because of the economic situation in the lending market, all of the banks, except the Bank of Utah, that had indicated they were interested in buying the bond anticipation notes declined doing so. Permanent financing from the State agencies is scheduled to be received by the end of December but it is hoped that receipt of the permanent financing will be moved up to November. It is unknown if the rates will be higher. It was stated that they will lend \$5 million and Mr. Sheffield said it was hoped \$8 million could be obtained.

MOTION: A motion to table this item until such time as the documents are available was made by Councilmember Christensen. The motion was seconded by Councilmember Marabella and carried unanimously.

Report by the City Alternative Fuels Task Force on the Possible Conversion of Some City Vehicles to Alternative Fuels

Jim Buchanan, Emergency Services Director, reported that due to the inflation of gas prices the Task Force was created to look at the possibility of converting the City Fleet to alternative fuels or natural gas. The conversion process cost is \$10,000 to \$12,000 per vehicle. There are no grants available but there are tax incentives that could be given; however, those tax incentives would be given to those who install the conversion kits which would make the conversion cost about \$4,000 per vehicle. The vehicles that the City uses are very hard to find because they are not conversion proofed as of yet. Some of the smaller trucks used for meter reading and code enforcement cannot be converted and the City would have to buy larger trucks to replace them and it was questioned if saving on the conversion warranted the purchase of larger trucks for those types of jobs. The Police Department had a concern with the possible loss of horsepower.

The biggest factor is that it takes 45 to 90 minutes to fuel each vehicle which raised the question of whether fueling would be done on City time or overtime because the Police Department would have to fuel each vehicle every day, every eight hours. The information obtained by Questar was that fueling would have to be done at LW Chevron and the fueling time is based on the low pressure of the delivery system. The possibility of putting in the City's own natural gas conversion system was explored and that cost would be about \$500,000. Questar is subsidizing the cost of natural gas which would make it about \$0.69 to \$.085 per gallon; the actual cost of natural gas is \$2.04 per gallon. Due to the fact that it is unknown how long Questar will be subsidizing natural gas, it is unsure there will be a return on the investment as rapidly as was anticipated. Currently, all City vehicles are on a rotation period and if it was necessary to keep those vehicles an extra two or three years in order to recoup the investment, the concern of the Fleet Manager is what it will do to those vehicles in regards to the trade-in value and maintenance. At this time, there is no conversion process for diesel trucks which would take most of Public Works out of that process.

The recommendation was for the Task Force to continue to monitor this and depending on the vehicles that are due to be replaced, look at either purchasing vehicles with natural gas directly from the factory or converting one of the Police vehicles so the City can begin doing its own testing to see how long it takes to fuel them and if there is actually a loss of horsepower. One of the problems with converting a Police vehicle is that the tank would have to be placed in the trunk for protection as they cannot be placed under the vehicle, which may mean sacrificing the equipment that would normally go in the trunk.

Mr. Buchanan proposed looking at creating a task force with the County, the School District and other jurisdictions to consider putting in our own fuel station. With the above ground double-lined tanks, it was felt that money could be recouped if the suggested entities worked together instead of relying on a commercial fuel provider, which would be a big money saver. A back-up generator could be installed with that system so fueling would still be possible if power was lost during a disaster. Fuel costs could be controlled because fuel could be purchased based on the best price without having the added administrative costs or taxes that are currently added at the local dealers. At this time, the potential savings is unknown as the costs are just starting to be looked at. He said the biggest price would be land. Two areas out by the airport are being looked at where one of these facilities could be located. The School District and the Sheriff's Office are both willing to look at it. Currently, fuel is being purchased from the State road sheds and the savings is about 10 and 15 cents per gallon. There have been a couple of incidents where the State road sheds have run out of fuel as they were not geared for the amount of vehicles they have been servicing and, for a time, fueling reverted back to the commercial providers. The City does not pay State or Federal tax on that fuel but there is a small fee the State charges the City at the pump to run the system; the City has to pay the markup from the service station they put on that.

Mr. Buchanan said he spoke with Robin Ericson with Utah Clean Cities and she told him a municipality is not eligible for the tax rebates; however, a transit system that owned their own fleet of busses would be eligible. He also said if they are going to make this kind of investment for the tax payers, they should convert a couple of vehicles or budget to purchase one so they can do their own studies to determine the facts on maintenance, gas mileage and power instead of relying on someone else's word. He said they also looked at purchasing future vehicles not only based on cost but also based on the mileage per gallon.

MOTION: A motion to accept the recommendations made by the Alternative Fuels Task Force was made by Councilmember Ruth Jensen. The motion was seconded by Councilmember Christensen and carried unanimously.

Approval of a Letter Opposing the Proposed Ruby River Pipeline Route

Bruce Leonard, City Administrator, came forward and explained that he had prepared a letter for the Mayor's signature, as directed by the Council. Mayor Christensen left before she had a chance to review the letter. There was also a resolution prepared by one of the Staff members for the Council's review and comment. The City has utilities that could be impacted by the construction.

MOTION: A motion to table this item until the work session scheduled for October 21st was made by Councilmember Christensen. The motion was seconded by Councilmember Ruth Jensen and carried unanimously.

Adoption of Resolution Opposing Proposed Ruby River Pipeline Route

MOTION: A motion to table this item was made by Councilmember Marabella. The motion was seconded by Councilmember Christensen and carried unanimously.

PLANNING COMMISSION BUSINESS

1200 South Street Road Dedication Between 450 West and Commerce Way

Mark Bradley, City Planner, came forward and gave a visual presentation of this item. The Planning Commission recommended approval of this item.

MOTION: A motion to approve the 1200 South Street road dedication between 450 West and Commerce Way was made by Councilmember Marabella. The motion was seconded by Councilmember Christensen and carried unanimously.

Request of a Deferring Public Improvement Agreement for Sidewalk, Curb/Gutter, and Asphalt Tie at 75 North 900 West by Michael Jones, Representative for Associated Brigham Contractors

Mark Bradley gave a visual presentation of this item. There is approximately 275 linear feet of the deferral request for the sidewalk, curb/gutter, and the asphalt tie in. The Planning Commission recommended denial of this request identifying that there is a need for the improvements to be installed at this time and for continued improvements as the sites continue to be developed. The Planning Commission determined that curb and gutter are needed for the control of surface water in the public right-of-way and if sidewalk, curb and gutter are not installed during the proposed improvement of the property it may be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that the General Plan encourages a safe walkable community. This is the only area that does not have sidewalk between 900 West going out toward the freeway and the bird refuge. The long-term goal is to have sidewalk from 600 North all the way south.

Mayor Pro Tem Reese Jensen asked, in the event the City signed off on the plans and the improvements are installed, if the City would be liable to replace the improvements if it was found out that an error had been made and it had to be torn out. It was answered that any time a property owner or developer puts in curb and gutter and it has to be redesigned the City is responsible to pay for it, which would mitigate any risk on the part of the applicant.

Ted Valentine came forward and stated that they are not opposed to installing the improvements. He expressed his concern about storm water and the improvements being only in front of their facility. Michael Jones came forward and commented that it would be ideal to defer until the property on the corner developed and they could develop both and tie them into the storm system at the same time.

MOTION: A motion to approve the deferral on a public improvement agreement for the sidewalk, curb/gutter, and asphalt tie at 75 North 900 West was made by Councilmember Marabella. The motion failed for lack of a second.

Councilmember Christensen reclarified that the Planning Commission and Staff recommended denial of the deferral to which Mr. Bradley agreed.

MOTION: A motion to deny the application for the deferment was made by Councilmember Christensen and that both the City and ABC work closely together on the engineering to ensure that it is properly sited and the storm drain issue addressed. The motion was seconded by Councilmember Ruth Jensen.

Councilmember Marabella - Nay
Councilmember Christensen - Aye
Councilmember Ruth Jensen - Aye
Mayor Pro Tem Jensen - Aye

The motion passed 3 to 1.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Rick Bosworth, Human Resource Coordinator, came forward and reported on pay for performance. All employees that were employed during the 2007-2008 budget year have received their pay for performance increase. Those employees that are still on probation have not yet received that but will do so once their probationary period is over. The performance appraisal scores come from the HRN system that is used for appraisals. The average score from 2007 was 3.06 and in 2008 the average score is 3.16; which is a tenth of a percent increase over the past year. The average score for exempt employees is 3.35, supervisors 3.29, and front-line employees 3.09. Mr. Bosworth explained that in the scoring system a score of 1 would mean needs improvement, 2 or greater would be a contributor, a 3 or higher would be a valued performer, and a 4 is a high performer.

The merit increase shows a shift backward from last year because what was budgeted this year was lower than the previous year. The bulk of the increase will be between 3% and 5%. Mr. Bosworth said he had received a lot of appreciation from employees for the program and the way it is working. The comp ratio for the City's overall average compared to the yearly market study has slipped behind the average this year; in 2007 it was 96.7 and in 2008 it is 95.8. The cause for the decrease is due to the lower budget for pay for performance because of the CPI but also because the wage rate in the market study cities has gone up. In 2007 there were 43 employees above the market rate and in 2008 that number has dropped down to 32. Employees are being moved closer to the market rate; those employees that are above it are being brought down, which helps those who are falling behind. The overall assessment shows that performance has gone up. Training will be done so appraisers are trained to reset the appraisals each year to zero and look at each factor and goal to ensure employees are appraised accurately.

Robert Neville, Streets Supervisor, came forward and reported on the fall cleanup. The different cleanups done throughout the year are spring, green waste, citywide, and fall. The cleanups are publicized so people are aware of them.

OTHER BUSINESS

Cancellation of November 6, 2008 Council Meeting

MOTION: A motion to cancel the November 6th City Council meeting was made by Councilmember Christensen. The motion was seconded by Councilmember Marabella and carried unanimously.

CLAIMS

Payment Register

MOTION: A motion to approve General Claims in the amount of \$1,011,644 was made by Councilmember Marabella. The motion was seconded by Councilmember Christensen and carried unanimously.

MOTION: A motion to adjourn was made by Councilmember Marabella. The motion was seconded by Councilmember Christensen and carried unanimously.

The meeting adjourned at 8:27 p.m.